

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Art Unit: 2623  
Confirmation No.: 8259

Kenneth L. Levy

Application No.: 09/404,292

**VIA Electronic Filing**

Filed: September 23, 1999

For: METHOD AND APPARATUS FOR  
EMBEDDING AUXILIARY INFORMATION  
WITHIN ORIGINAL DATA

Examiner: Y. Kassa

**Issue Date: July 11, 2006 as 7,076,080**

Date: June 28, 2006

**Petition to Withdraw From Issue Under 37 CFR 1.313(c)(2)**

**Mail Stop 313(c)**

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant respectfully petitions to have the above-identified application withdrawn from issue under 37 CFR 1.313(c)(2). A Request for Continued Examination (RCE) and IDS submission are filed concurrently herewith.

We recently received a final Office Action in a child application, application no. 09/810,080. The Examiner of the subject application (09/404,292) has previously suggested a Double Patenting rejection over certain claims in the 09/810,080 application.

We understand that our subject U.S. patent application is set to issue on July 11, 2006. Accordingly, we are filing this petition to withdraw the subject application from issue to allow adequate time for the USPTO to fully consider the significance, if any, of the final rejection in the related application relative to allowed claims in this application. We have listed the final rejection, our response thereto, and the references relied upon in the final rejection on the accompanying form PTO-1449.

A Request for Continued Examination (RCE), Information Disclosure Statement (IDS), form PTO-1449 and indicated references are attached herewith.

Please charge the petition fee under 37 CFR 1.17 to our Account No. 50-1071. Please charge any additional fees associated with this Petition, including the RCE fee, to the same account.

The undersigned can be reached at 503-469-4685 if there are any questions associated with this Petition.

Respectfully submitted,

Date: June 28, 2006

DIGIMARC CORPORATION

Customer No. 23735

Telephone: 503-469-4685  
FAX: 503-469-4777

By   
Steven W. Stewart  
Registration No. 45,133